

Lloyd, McKinney, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shea, Speights, Stapp, Stewart and Wren—22.

Nays—Messrs. Bogart, Burney, Clements, Fields, Franklin, Hendricks, Johnson, Owen, Patrick, Tarrant, Wigfall and Williams—12.

Mr. Scott moved the House adjourn until nine o'clock to-morrow morning; lost.

A bill to be entitled an act for the relief of the heirs of Samuel T. Sheffield; read third time, and laid on the table.

A joint resolution, from the Senate, for the relief of Robert Shaw, assignee of William Morrow; read second time and passed to a third reading.

A motion was made to adjourn, which was lost.

On motion of Mr. Owen, the House adjourned until nine o'clock Monday morning.

AUSTIN, December 2, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Clements, Lott, Stewart and Taylor of Harrison.

Journal of Saturday read and adopted.

Mr. McKinney submitted the following memorial, which was read and ordered to be spread upon the journal:

*To the Honorable,*

*The Legislature of the State of Texas.*

It is a fact generally known to the people of Texas, that your memorialist entered into a contract with the government of the late Republic, on the thirteenth day of November, 1838, for the construction and equipment of vessels intended for its naval service. James Schott and E. Dana Whitney of the city of Philadelphia, although not named in the contract, joined at the time with your memorialist, in its execution. These vessels consisted of one ship, two brigs, and three schooners. They were constructed in accordance with very minute and specific directions, prescribed by the terms of the agreement, fully armed and fur-



nished with provisions and munitions of war, and delivered to the officers of the Republic in the harbor of Galveston, in condition for immediate and efficient service. The superior qualities of these vessels and their adaptation to the purposes for which they were designed, were severely tested by storms, and in frequent encounters with the enemy.

It is not generally known, however, although it will conclusively appear by reference to the contract on file in your archives, and by the report of a former Secretary of the Navy, an extract from which is annexed, that your memorialist, with his associates, did in fact far exceed the terms of his obligation, both in constructing and furnishing these vessels. They were each of larger dimensions, more strongly built, more completely armed and more fully provisioned, than those terms required. Your memorialist, and those interested with him, were induced to incur this additional expense from the same motive which led him originally to enter into the contract—a cordial sympathy with a people, not numbering twenty thousand, in their unequal struggle with a nation of eight millions. The sincerity of this feeling is sufficiently shown by the fact, well known to all, that the Republic of Texas, at that crisis in her affairs, had no financial credit, either in Europe or America, and that of all to whom application was made, your memorialist and his associates were the only persons who were willing to invest their means to so great an extent, and to connect their fortunes for good or ill, with its cause.

Messrs. Schott and Whitney, at the time of the contract, were merchants doing a large business and prosperous in Philadelphia; as was your memorialist himself in Baltimore. The great amount of money which they advanced from their individual means, made them wholly dependent upon the performance of the agreement on the part of Texas, to sustain their mercantile credit. The inability and failure of the Republic to perform its engagements, involved them in serious embarrassments, and compelled them finally, in order to satisfy completely the liabilities which they had assumed for its benefit, to abandon their commercial business and position.

The Navy, thus acquired by the Republic, was the immediate cause of her recognition as an independent nation by England. Lord Palmerston, who then directed the foreign policy of Great Britain, so declared in the House of Commons. Your memorialist need not dwell upon the immense benefits which this country derived from that recognition of her independence—benefits



which would have been even more sensibly felt, had she chosen to preserve her distinct and separate national existence.

In fixing the price of the vessels, three modes were offered to the Government of Texas, at its request, for selection, and are mentioned in the contract. By the mode which was adopted, that Government delivered to your memorialist two bonds, each in the sum of two hundred and eighty thousand dollars, bearing ten per cent. interest, redeemable on the first day of December, 1843, and for the payment of which the public faith and revenues were solemnly pledged, as appears on the face of the instruments themselves. The manner in which these bonds became the property of your memorialist and his associates, under the contract which had been executed, will be sufficiently explained by the letter of the authorized agents of Texas, bearing date the 29th day of November, 1838, and addressed to the President of the Girard Bank of Philadelphia, a copy of which is annexed to this memorial. Of these bonds one belonged to, and was taken by Messrs. Schott and Whitney on account of their share in the execution of the contract: and your memorialist would therefore respectfully bespeak for them, from your Honorable body, whenever they present their claims, the like favorable consideration as may be deemed due, and be granted to him.—The other remained the sole property of your memorialist. But, it is here perhaps proper to state, that circumstances, growing out of the delay, have since that time compelled him to part with a portion of his, and that he is interested now, only in the remainder.

And here your memorialist would respectfully call the attention of your Honorable body to the fact, that he and his associates have never, during the periods of financial embarrassment through which this country has passed, pressed its Government for payment, either of the principal or interest due upon their claim. Relying on its plighted faith, and reluctant to make their demand a source of inconvenience to the country, by exacting any portion of the public revenues, they have patiently waited, although at very great sacrifice, until the State should be in a condition to reimburse them. And he does not now desire any hasty or inconsiderate action, by which the interests of the State, or any of its creditors, might suffer. He has the same unwavering confidence which they have ever heretofore manifested, that the Government of the country, to whose security and defence they so willingly contributed, will, at a proper time, by a full performance of its obligations, do them ample justice. He has; however, felt compelled to submit this statement, of a matter in



which he is so deeply interested, lest silence on his part should cause such a misconstruction of his conduct or motives, as to induce the supposition, that he wishes to look to any other fund, or rely upon any other security, than that in the uncontrolled power of the State to give. He neither asks for, nor expects immediate payment; nor that the Legislature, at its approaching session, should adopt any special measures with reference to his demand, which the people are not prepared to ratify. The probable shortness of the coming session, and the many outstanding demands not yet ascertained, for which a provision has been made by law, would seem to require a postponement of this and similar matters, to a more convenient period.

And in the meantime, it is the earnest desire of your memorialist, that the nature and merits of this claim,—the benefits which have resulted to Texas from the execution of this contract—the vast acquisition of territory—the consequent increase of revenue—and other happy results, to the attainment of which, the Navy furnished by your memorialist and his associates, most effectually contributed, may receive from your Honorable body, and the people at large, thorough and impartial consideration.—And your memorialist cannot doubt, that when the time for final action upon the public debt shall have arrived, the People of Texas will be found to maintain that high character for honor and integrity, upon which he has so long relied.

FRED'K DAWSON.

Baltimore, Oct., 1850.

*Extract from the Report of the Secretary of the Navy.*

In pursuance with an act of Congress "for augmenting the Navy and making an appropriation therefor," approved November 4th, 1837, Mr. Samuel M. Williams was appointed by the Government to contract for the building of the vessels therein contemplated; and after a series of exertions which alike do credit to his abilities and patriotism, he effected an arrangement with Mr. Frederick Dawson, of Baltimore, for the building of all the vessels specified in the law already made. For the particulars of the purchase, I most respectfully refer you to the accompanying contract and appertaining documents, all of which are explicit and well defined.

Of the vessels thus contracted for, there have been received by the Government, on the 27th June, schooner San Jacinto; on the 7th of August, the schooner San Antonio; on the 31st of August, the schooner San Bernard; on the 18th October, the brig Colorado. All these vessels are, in the opinion



of the naval officers, and of all the professional men who have examined them, perfect models of naval architecture ; their construction is excellent in every respect—for speed, as well as for strength and durability. The schooners are vessels of six guns each, the brig carries sixteen guns and is pierced for twenty.

Too much praise cannot be accorded to Mr. Dawson, for the very generous manner in which he has complied with, or rather gone beyond, his engagements. The schooners are much larger and more commodious vessels, and much better furnished than was stipulated for in the contract. Mr. Dawson had only obliged himself to furnish a brig of twelve guns, and of three hundred tons burthen—the brig which he has delivered to the Government carries sixteen guns, and is of four hundred and five tons burthen. This liberality entitles him to the gratitude of the citizens of this country.

Before the contract with Mr. Dawson will be completed, he has yet to deliver to the Government a Corvette of 18 guns and another Brig. I confidently expect the arrival of the former vessel, by the first, and of the latter, by the middle of next month.

In the construction of the two last mentioned vessels, equal liberality has been displayed by the contractor. I am informed that the Corvette is a much larger vessel and of finer workmanship than was stipulated for in the contract ; and the Brig will be equal in force to, and of the same burthen as the one already delivered.

On the arrival of these two vessels the Naval forces of the Republic will be united in our waters.

I feel proud to state to your Excellency, that the Government has at its command a Navy, which, with proper management and an economical attention to its necessities, will be able to enforce a blockade along the Mexican coast from Matamoras to its southern extremity—a blockade of such a strict and uncompromising nature, as to avoid, in every thing, the slightest infringement of international law or the established customs of nations. The consequences of a blockade cannot fail to be of the most happy character : for Mexico is almost entirely dependent upon her relation with foreign powers ; and whenever any movements shall have been made, whereby she is deprived of this source of supply, and thrown upon her own capabilities of support, the inevitable consequence will be, both national and individual want, to an extent far beyond her powers of endurance.

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*Letter of the Agents of Texas to the President of the Girard Bank, Philadelphia.*

BALTIMORE, November 29, 1838.

TO JAMES SCHOTT, Esq.,

President of the Girard Bank, Philadelphia:

Sir: We herewith hand you two bonds of the Republic of Texas, executed by us as Commissioners under the loan law of that Republic, passed on the 16th day of May, each bond being for the sum of two hundred and eighty thousand dollars (\$280,000) payable to Frederick Dawson, or order, which bonds, according to contract, are to remain in deposit with you for the space of twelve months, counting from the first proximo December, unless the government of Texas shall in liquidation of these bonds issue to Mr. Dawson, or order issued by the Commissioners, bonds in sterling money equal to the sum of \$520,000, or shall pay into your Bank the sum of two hundred and eighty thousand dollars in gold or silver, or its equivalent, with ten per cent. on the face of the two bonds, say fifty-six thousand dollars, likewise in gold or silver, or its equivalent, making three hundred and thirty-six thousand dollars, (\$336,000.) in which case said bonds are to be returned to the Government of Texas, or the person or persons authorized to receive them.

If on the first day of December, (1839) eighteen hundred and thirty-nine, the Government of Texas shall not have liquidated these bonds in either of the modes expressed, from and after that day you will hold them as the property of Frederick Dawson, and subject alone to his order, and you are hereby requested and required to deliver them to him at that period.

Very respectfully,

(Signed)

and for

We remain your ob't servants,  
SAMUEL M. WILLIAMS, for himself  
A. T. BURNLEY, Commissioners.

—  
PHILADELPHIA, 7th December, 1839.

I have this day received from James Schott, Esq., President of the Girard Bank, the two bonds named in the foregoing letter, numbered 1 and 2, each for two hundred and eighty thousand dollars: the Government of Texas having failed to liquidate them in either of the modes expressed in the said letter.

FRED. DAWSON.



Mr. McKinney submitted the following memorial, which was read and ordered to be spread upon the journal :

*To the Honorable, the Legislature of the State of Texas.*

Your memorialists, James Schott and E. D. Whitney, merchants of the city of Philadelphia, concurring in the statement of Mr. Fredk. Dawson, dated Baltimore, October, 1850, and addressed to your Honorable body, a copy of which is annexed, respectfully represent :

That feeling a deep sympathy with the people of Texas, they became originally interested and were parties with Mr. Dawson in constructing, furnishing and equipping the vessels for the Naval service of the late Republic, the contract for which was made in the name of Frederick Dawson. That they furnished from their individual means one-half the amount of funds required to build and equip the said vessels, agreeably to contract ; and that one-half of the amount of the bonds given in payment of the same belonged to, and was received by them.

Your memorialists do not expect that any attempt will be made at this session of your Legislature for their relief ; nor do they deem it necessary to remind your Honorable body of the heavy sacrifices they have been compelled to make on account of their interest in the above mentioned contract.

They have ever been willing to rely upon the honor of Texas, that she would, whenever circumstances placed it in her power, perform towards your memorialists her part of the contract.

In order to show the proceedings at Washington in reference to this debt for the vessels, your memorialists trust that they will be excused for respectfully asking the notice of your Honorable body to the annexed petition of Frederick Dawson, James Schott and E. D. Whitney, to the Congress of the United States ; and to the reports of the committee of Claims of the Senate, and the committee on the Judiciary in the House of Representatives.

All of which is most respectfully submitted.

E. D. WHITNEY, for himself  
and JAMES SCHOTT.

Austin, December 2, 1850.



*Petition of FREDERICK DAWSON, JAMES SCHOTT and ELISHA DANA WHITNEY, praying payment for certain vessels, etc., furnished Texas, and given up by Texas to the United States on the annexation of Texas.*

January 13, 1848, referred to the committee of Claims, and ordered to be printed.

*To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled :*

Your petitioners, Frederick Dawson, of Baltimore, and James Schott and Elisha Dana Whitney, of Philadelphia, respectfully represent :

That in the year 1838 they jointly contracted, in the name of Frederick Dawson, with the authorized agents of the Republic of Texas, to furnish her with a navy, to consist of one ship, two brigs, and three schooners, together with their arms and ammunition, and with clothing and four months' provisions for four hundred men ; that these vessels were built, furnished, and equipped by your petitioners, and delivered to the said Republic at the port of Galveston, agreeable to contract, and were accepted ; that, in consideration of this performance, the government of Texas issued to your petitioners their bonds for five hundred and sixty thousand dollars, bearing interest at the rate of ten per cent. per annum, payable half yearly ; that no part of these bonds, principal or interest, has yet been paid.

The undersigned would remind your honorable body that, at the time the aforesaid contract was made, which was shortly after the recognition (in 1837) of the independence of Texas by the United States, and before its recognition by any other power, her condition was depressed, and her prospects overclouded, and that this navy, insuring, as it did, the safety of her coasts, raising the confidence of her friends, and giving her consideration abroad, mainly contributed to her subsequent recognition by France and Great Britain ; and was, in fact, chiefly instrumental in placing Texas in a position to be numbered, as she has since been, in the band of sister States composing this great confederacy.

For the "*faithful redemption*" of the bonds aforesaid, (a copy of one of which accompanies the appendix to this petition,) "*interest and principal,*" the "*revenues and public faith of Texas*" were "*solemnly pledged*;" and her inability alone, and not any disinclination on her part, prevented their liquidation.



Texas has always evinced a deep and just sense of what was due for the aid so liberally supplied at such an emergency by the undersigned, and has made repeated efforts for the payment of the interest on these bonds. Finding these efforts fruitless, (having reaped the benefits expected from her navy, by whose means, as before stated, she had gained a position which removed all further apprehensions from Mexico,) her legislature at length enacted a law ordering a sale of the vessels themselves, and the proceeds to be applied in part payment of her indebtedness to your petitioners; but before it could be enforced, in expectation of annexation to the Union, the law was repealed.

In the treaty of annexation, she again endeavored (as is well known to your honorable body,) to make some provision to discharge a portion of this sacred obligation; and of the three hundred and fifty thousand dollars stipulated in the treaty to be paid by the United States to Texas immediately after its ratification, the large proportion of \$250,000 was to have been devoted to this object; the remainder being left to be liquidated, with the rest of the Texan debt, out of the ten millions which were to have been appropriated for its payment by the United States.

In the annexation resolutions subsequently passed by Congress, it was (as your honorable body are aware) left to the discretion of the President of the United States to select which of the two alternatives he would propose to Texas. One enacted that the terms of her admission into the Union should be settled by negotiations between the United States and herself; and had this been offered to Texas, there is no doubt but that in her stipulations with this country, she would have made ample provision for the payment of your petitioners. The other alternative, and the one which was tendered to Texas, contained no such provision; but your petitioners believe there were, at the same time, given to her by this government, as an inducement for her acceptance, the strongest assurances that, after her admission into the Union, her wishes and her honor would be as faithfully consulted, as if provided for by previous agreement.

It was *required of Texas to cede to the general government*, among other public property, *all her "navy, navy yards, arms, and armaments;"* and *in compliance, she has given up to the United States* all that was left to her of this very navy furnished by your petitioners. Three of the vessels were ordered to be sold, and the proceeds paid into the United States treasury; and one of them to be refitted for the service of the United States.

Your petitioners further respectfully represent, that, by her annexation to this country, *Texas has been deprived of her duties*



*on imports, (almost her only source of revenue,) which were solemnly pledged to them for the faithful liquidation of the interest and principal of these bonds. Thus Texas was deprived of the means of paying them.*

In view, then, of these facts; that your petitioners were instrumental in promoting to such an extent the prosperity of Texas; that the *United States have possession of the identical vessels furnished by the undersigned, and of the public revenue so solemnly pledged for their payment*, they appeal, with confidence, to your honorable body for relief. They cannot but believe that Congress will concur with them in the opinion that the general government is bound, by every principle of justice and honor, to provide for the liquidation of this *sacred debt*.

The memorial of your petitioners having been presented at the last session of your honorable body, (29th Congress, 2d session,) and referred to the Committee of Claims in the Senate, who reported a bill recommending the "speedy settlement" of your petitioners' claim, any further action in the premises was suspended, in consideration of the subjects of paramount importance to the country at large, which then engrossed the attention of Congress.

The report of the Committee of Claims of the Senate of the United States, with the accompanying documents, are hereunto annexed.

All which is respectfully submitted.

FRED. DAWSON.  
JAMES SCHOTT.  
E. D. WHITNEY.

January 13, 1848.

*Mr. Johnson, of Maryland, made the following report in the Senate of the United States—February 5, 1847.*

*The Committee of Claims, to whom was referred the memorial of Frederick Dawson, of the city of Baltimore, and James Schott and Elisha D. Whitney, of the city of Philadelphia, report:*

That they have duly examined the statements presented in the aforesaid memorial to the consideration of Congress, and find that in the year 1838 the memorialists jointly contracted, in the name of Frederick Dawson, with the authorized agents of the



Republic of Texas, to furnish said Republic with a navy, to consist of one ship, two brigs, and three schooners, with their armaments and ammunition, together with clothing and four months' provision for four hundred men. These vessels were built, furnished, and equipped by the memorialists, in accordance with the terms of the contract; and were then delivered by the memorialists at the port of Galveston, where they were accepted by the agents of Texas, duly authorized.

In consideration of this satisfactory performance of the contract on the part of the memorialists, the government of Texas issued to them its bonds for the sum of five hundred and sixty thousand dollars, bearing interest at the rate of ten per cent. per annum, payable half yearly.

The committee find that no portion of the money represented by these bonds, principal or interest, has yet been paid. For the faithful redemption of these bonds, (a copy of one of which is annexed to this report,)—the interest and principal of which now amount to one million and seventeen thousand three hundred and thirty three dollars and thirty-three cents—the revenues and public faith of the Republic of Texas were solemnly pledged.

The contract which the committee have thus described was made and fulfilled at a very critical juncture in the history of Texas, shortly after the recognition (in 1837) of that infant republic by the United States, and before any other sovereign power had recognised its independence. Texas was then in a state of great depression, and in circumstances calling for the just sympathy of nations, and requiring on her part extraordinary exertions to maintain an independence then encompassed with danger. The committee are fully persuaded that to the acquisition of the vessels-of-war furnished to the government of Texas by the memorialists the struggling republic was mainly indebted for her security during that critical period, and her subsequent recognition by Great Britain and France. Her little navy secured the safety of her coast, inspired with fresh confidence her government and people, and gave her additional consequence abroad; and it appears that Texas has always entertained a just sense of the weighty obligation incurred by her in consequence of the liberal, prompt, and efficient aid rendered to her by the memorialists. Want of means alone has prevented the liquidation of the debt. No disinclination to discharge her obligation to the memorialists has at any time been apparent on the part of Texas. On the contrary, repeated efforts have been made to effect payment of the interest on these bonds; and, finally, all the benefits looked for from the possession of these vessels-of-war having been en-



joyed, and a position of security having by their means been attained, the legislature of Texas passed a law authorizing and directing the sale of the aforesaid vessels, the proceeds to be applied in part payment of the indebtedness of the republic to the memorialists. This act, however, in anticipation of annexation to the United States, was repealed.

In the treaty of annexation itself, Texas endeavored to make some provision for the discharge of a portion of this obligation. Of the three hundred and fifty thousand dollars stipulated in that treaty to be paid to Texas by the United States immediately after its ratification, the large proportion of two hundred and fifty thousand dollars was to have been devoted to this object; the remainder of the amount to be liquidated, with the rest of the Texan debt, out of the ten millions of dollars which were to have been appropriated by the United States for that purpose.

In the annexation resolutions subsequently passed by Congress, it was, as the Senate is aware, left to the discretion of the President of the United States to choose one of two alternatives to be proposed to Texas. One of these alternatives left, to be settled by negotiation between the two parties, the terms on which Texas should be admitted into this confederacy. Had that alternative been offered to Texas, the committee are induced to believe, from the previous action of that republic, from her avowed and earnest desire to discharge her obligations to the memorialists, from the action of her legislature, and from the effort to make the matter a distinct subject of treaty stipulation, that she would have made ample provision for the payment of the memorialists. The other alternative contained no such provision, and it was the one tendered to Texas; thus leaving the memorialists no resort but their present appeal to the Congress of the United States.

The committee regard the claim of the memorialists as fully sustained on the ground—

*First.* That, as an inducement to the act of annexation, Texas received assurances from the government of the United States that, after her admission into this confederacy, her wishes and her honor as an independent community would be as faithfully consulted and guarded as if express provision had been made to that end, by previous agreement.

*Second.* That, in accordance with the terms of annexation, Texas ceded to the general government of the United States, among other public property, all her "navy, navy yards, arms, and armaments;" and that she has actually given up to the United States all that remained to her of the very navy furnished by the memorialists. Three of the vessels have been ordered to



be sold, the proceeds to be paid into the treasury of the United States, and one of them to be fitted for the immediate service of the United States.

*Third.* That by her annexation to the United States, Texas has been deprived of her duties on imports, almost her sole source of revenue, which were solemnly pledged to the memorialists for the faithful liquidation of the interest and principal of the aforesaid bonds.

*Fourth.* That the United States, having thus become possessed of the identical vessels furnished by the memorialists, and also of the public revenues of Texas pledged for their payment, are properly responsible for the discharge of that obligation to the memorialists, which the Republic of Texas justly incurred, and uniformly regarded as binding and sacred.

In view of all these facts, and after a careful and deliberate examination of the case, the committee have agreed to recommend the speedy settlement of the claim of the memorialists, and for that purpose report the accompanying bill.

#### COPY OF A LETTER TO GEN. HOUSTON.

WASHINGTON, December 21, 1846.

DEAR SIR: In 1838 we contracted, in the name of Frederick Dawson, of Baltimore, to furnish the Republic of Texas with a navy, to consist of one ship, two brigs, and three schooners.—These vessels were built, furnished, and equipped by us, and delivered to the Republic of Texas, at the port of Galveston, agreeably to contract.

In payment for furnishing this navy, the government of Texas issued to us their bonds for \$560,000, bearing interest at the rate of ten per cent. per annum.

As Texas has been unable to pay us any portion of either the principal or interest, and as the United States have taken from Texas her *revenues*, which were *solemnly pledged for the payment of both principal and interest* of these bonds, and have also taken four of the identical vessels, and applied them to the use of the United States, (the other two having been lost,) we are of the opinion that the United States are bound to pay us the amount of the bonds issued by the Republic of Texas in payment for the same, with the interest due thereon until paid, as stipulated in the bonds; and we have determined to petition Congress to pay us accordingly.



As this navy was contracted for during your administration as President of Texas, you are of course familiar with the facts as stated above; and our object in addressing you this note is to ask the favor of you to state to us, in writing, the fact that we furnished this navy to the government of Texas, and that ten per cent. bonds to the amount of \$560,000 were issued to us in payment of the same; and that neither the interest nor principal has been paid.

We have the honor to be, with great respect, your obedient servants,

FRED. DAWSON.

JAMES SCHOTT.

E. D. WHITNEY.

Hon. SAM HOUSTON,  
*United States Senate.*

### GENERAL HOUSTON'S REPLY.

WASHINGTON CITY, *December 23, 1846.*

GENTLEMEN: In reply to your note of the 21st instant, I have to state that the facts presented by you therein, in reference to the purchase of the vessels belonging to the navy of the late republic of Texas, are correct; and that you did furnish to her one ship, two brigs, and three schooners, with their armaments, &c., for which she issued in payment ten per cent. bonds for the sum of five hundred and sixty thousand dollars.

Under the resolutions of annexation, the navy of the late republic was delivered over to and received by the United States; and the bonds issued in the purchase of the same by Texas are still outstanding and unpaid.

I have the honor to be, very respectfully, your obedient servt,  
SAM. HOUSTON.  
THOS. J. RUSK.

Messrs. F. DAWSON,  
JAMES SCHOTT, and  
E. D. WHITNEY.

### COPY OF BOND HELD BY SCHOTT & WHITNEY. REPUBLIC OF TEXAS.

B No. 1.— *Ten per cent. loan*—\$280,000.

The republic of Texas promises to pay to Frederick Dawson,



or order, two hundred and eighty thousand dollars, to be redeemed on the first day of December, eighteen hundred and forty-three, with interest thereon, at the rate of ten per cent. per annum from the date thereof, the said interest to be paid semi-annually on the first days of June and December, at the agency of the United States Bank of Pennsylvania in London, where the bond shall also be redeemed. The first payment of interest to be made on the first day of December, eighteen hundred and thirty-nine.—For the faithful redemption of this bond, interest and principal, at the agency aforesaid, the revenues and the public faith of Texas are solemnly pledged, by virtue of an act of the Congress of Texas, bearing date the sixteenth day of May, eighteen hundred and thirty-eight. It is further stipulated, in conformity with a provision of said act, that the holder of this bond may, at any time, surrender the same, and in lieu of principal and interest due thereon receive any of the public lands at the minimum prices fixed by the government for the sale of their vacant lands.

In testimony whereof, we, the undersigned commissioners, duly authorized to that effect, have hereunto set our hands and seals, this thirteenth day of November, in the city of Baltimore, the year eighteen hundred and thirty eight.

A. T. BURNLEY, [L. S.]  
SAM. M. WILLIAMS, [L. S.]

*Commissioners.*

Countersigned on the back of the bond by

ANSON JONES,

*Minister plenipotentiary of Texas  
near the government of the United States.*

And endorsed in blank by

FREDK. DAWSON.

HOUSE OF REPRESENTATIVES, January 3, 1849.

Mr. Joseph R. Engersoll, from the committee on the Judiciary, made the following report:

*The committee on the Judiciary, to whom was referred the memorial of Frederick Dawson, James Schott, and Elisha Dana Whitney, respectfully report:*

The memorial states that, in the year 1838, the memorialists jointly contracted, in the name of one of them, with the authorized agents of the Republic of Texas to furnish her with a navy,



to consist of one ship, two brigs, and three schooners, together with their arms and ammunition, and with clothing and four months' provisions for four hundred men; these vessels were built, furnished, and equipped, and delivered to the said Republic, at the port of Galveston, agreeably to the contract, and were accepted; and the government of Texas issued their bonds to the memorialists for \$560,000, bearing interest at the rate of ten per centum per annum, payable half yearly, no part of these bonds, principal, or interest, having yet been paid. The "revenues and public faith of Texas" were "solemnly pledged" for the payment of them. At one period, the Legislature of Texas—the country having reaped the expected benefits from the navy, by means of which she had gained a position which removed all further apprehension from Mexico—enacted a law ordering a sale of the vessels, and that the proceeds should be applied in part payment of the debt due to the petitioners. In the final arrangements for annexing Texas to the United States, it was agreed to cede, among other property, all her "navy, navy yards, arms, and armaments," and, in compliance, she has given up to the United States all that was left of the navy furnished by the petitioners. Three of the vessels were ordered to be sold and the proceeds paid into the treasury of the United States, and one of them to be refitted for service.

The memorialists urge that Texas, having been deprived of her duties on imports, almost her only source of revenue, has been placed in a situation which renders payment from her impossible.

The committee have no reason to doubt any of the facts stated by the memorialists—they are chiefly of a public character. The equitable claim growing out of them has induced more than one favorable report in the Senate. To these reports, made 5th February, 1847, and 15th March, 1848, the committee refer. It is certain that a debt was due from a sovereign nation of a peculiar character; that one of the reasons for non-payment, and the great reason for that payment being hopeless, consisted of the act of the United States. It is supposed that the vessels, when handed over to the United States, were of little value: but, inconsiderable as it was, it was not deemed unworthy of notice in a treaty and express and positive stipulation. It will remain a reproach upon the State, which is now identified with the Union, that so grave a charge shall continue to lie against her. A difference is sufficiently apparent between this debt and the mere ordinary debts of Texas. The committee are inclined to regard the difference worthy of a notice beyond that of mere recognition; and they report a bill.



Mr. Fields, chairman of the committee on Finance, made the following report :

COMMITTEE ROOM, November 30, 1850.

Hon. C. G. KEENAN,

*Speaker of the House of Representatives :*

The Finance committee have had under consideration a resolution proposing to pay special messengers employed to distribute the Governor's proclamation submitting the ten million proposition to the people, and a bill from the Senate, making an appropriation for certain purposes therein named; and deeming some other appropriations necessary, have instructed me to report a substitute for said bill and joint resolution, which is herewith submitted for the consideration of the House.

Report and substitute laid on the table to come up among the orders of the day.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of William C. Anderson, reported the same back to the House without amendment and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Jowers, chairman of the committee on Engrossed Bills, made the following report, which was accepted :

COMMITTEE ROOM, December 2, 1850.

Hon. C. G. KEENAN,

*Speaker of the House of Representatives.*

The committee on Engrossed bills have examined an act allowing to the widow of William G. Cook the balance of pay due him as Commissioner to Santa Fe and for services as acting Qr. Master General in the Somerville Campaign; also, an act for the relief of the heirs of Luke J. Gillespie, deceased, and find the same correctly Engrossed.

Mr. Burney, chairman of the joint committee on Enrolled Bills, made the following report, which was accepted :

COMMITTEE ROOM, December 2, 1850.

Hon. C. G. KEENAN,

*Speaker of the House of Representatives :*

The joint committee on Enrolled Bills have examined an act to incorporate the Brazos and Bernard Railway and Plank Road Company; also an act for the safe and profitable investment of the school fund; also, an act to incorporate the Shelby University and find the same correctly Enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day transmitted to His Excellency, the Governor of the State, for his approval.



Mr. Dickson introduced a resolution providing for the adjournment of the two Houses at twelve o'clock, M., to-morrow. Adopted.

Mr. Charlton introduced a resolution authorizing the Chief Clerk of the House to employ a second assistant Clerk for the remainder of the session. Adopted.

Mr. Tarrant introduced a resolution allowing William F. Weeks, reporter for the House, pay at the rate of five dollars per diem, from the 18th of November to the 28th of December, 1850, inclusive. Adopted.

A bill to be entitled an act for the relief of Laana Ward ; read third time.

On motion of Mr. Franklin, the vote passing the bill to a third reading was reconsidered.

Mr. Franklin then proposed the following amendment:

Insert in the last line of first section, " March," and strike out " August ;" Adopted ; bill read third time and passed.

A bill to be entitled an act for the relief of the heirs of Andrew Kent, dec'd ; read third time and passed.

A bill to be entitled an act for the relief of Benj. Burke ; read second time ; rule suspended, read third time and passed.

Senate's bill for the relief of M. W. B. Armstrong ; read third time and passed.

Senate's bill to be entitled an act to prevent the sale of spirituous or vinous liquors to Indians within the State of Texas ; read first time ; rule suspended, read second time, and referred to the Judiciary committee.

Senate's bill to be entitled an act for the relief of Samuel J. Sparks ; read first time ; rule suspended, read second time ; rule further suspended, read third time and passed.

A bill to be entitled an act for the relief of Alex. McCulloch ; read second time, and referred to the committee on Private Land Claims.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act to incorporate the La Grange Collegiate Institute, on which they had suspended all rules, and requested a like suspension on the part of the House.

On motion, a call of the House was ordered, and the Sergeant-at-Arms despatched for absent members.

On motion, a further call was suspended.

A bill to be entitled an act prescribing the duties of the Comptroller, in reference to certain claims against the State of Texas ; read second time.



Mr. Franklin proposed a substitute for the bill.

On motion of Mr. Fields, the words "claimed to," in 3d section, was stricken out.

On motion of Mr. Dickson, all that portion in the 4th section, relating to sending a special messenger to Washington City, was stricken out.

Mr. Patrick proposed the following amendment:

In the 1st section, after the words "specially pledged," insert "provided the same shall not exceed seven hundred thousand dollars."

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed the following bills, originating in the House of Representatives:

A bill to be entitled an act to amend the 6th section of an act entitled an act concerning slaves, approved the 5th February, 1840, with an amendment; also, a joint resolution for the relief of John C. Walling; and, also, that the Senate concurred in the amendments of the House to a joint resolution refunding to Maj. W. S. Henry the fine imposed upon him by the 9th Military Department; also, that the Senate had concurred in the resolution of the House to adjourn *sine die*, on Tuesday, the 3d day of December, at 12 o'clock, M., and that the Senate had appointed Messrs. Portis, Latimer and Van Derlip, a committee of conference, to act in conjunction with the committee of the House, upon the bill providing for the election of Judges of the Supreme Court.

Mr. Stapp moved to lay the substitute and amendments for the bill now under consideration on the table; upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Bogart, Bryan, Burney, Charlton, Cochran, Fields, Hardeman of Nacogdoches, Hendricks, Hunt, Johnson, Jowers, Lloyd, Patrick, Reynolds, Runnels, Russell, Scott, Selman, Shea, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Taylor of Harrison, Wigfall, Williams and Wren—28.

Nays—Messrs. Speaker, Bee, Clements, Crump, Dickson, Franklin, Gillet, McKinney, Owen, Polk, Shaw and Tarrant—12.

So the substitute and amendments were laid on the table.

Mr. Franklin moved to lay the original bill on the table; upon which, the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Charlton, Clements, Crump, Franklin, Hardeman of Nacogdoches, Jowers, McKinney, Pat-



rick, Scott, Selman, Smith of Shelby, Tarrant and Taylor of Harrison—16.

Nays—Messrs. Bee, Bryan, Cochran, Dickson, Fields, Gillet, Hendricks, Holland, Hunt, Johnson, Lloyd, Lott, Owen, Runnels, Russel, Shaw, Shea, Speights, Stapp, Stewart, Wigfall, Williams and Wren—24.

So the House refused to lay the bill on the table.

Mr. McKinney moved that the House adjourn until 3 o'clock, P. M.; lost.

Mr. Stapp moved to lay the bill on the table and make it the special order of the day for 3 o'clock, P. M.; lost.

Mr. Franklin moved to lay the bill on the table until 10 o'clock, on Monday next; upon which, the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Charlton, Clements, Cochran, Crump, Franklin, Hardeman of Nacogdoches, Holland, Jowers, McKinney, Patrick, Reynolds, Scott, Selman, Shea, Smith of Shelby, Sterne, Tarrant, Taylor of Harrison and Wigfall—21.

Nays—Messrs. Bryan, Burney, Dickson, Fields, Gillet, Hendricks, Hunt, Owen, Polk, Runnels, Russel, Shaw, Speights, Stapp, Stewart, Wigfall, Williams and Wren—18.

So the bill was laid on the table.

Senate's bill to be entitled an act for the relief of John McLennan, jr.; read third time and passed.

Senate's bill to be entitled an act for the relief of Peter Gallagher, and the legal representatives of Archibald Fitzgerald and Thompson Robinson; read third time and passed.

Senate's bill to be entitled an act for the relief of John Edmonds; read second time; rule suspended, read third time and passed.

Senate's joint resolution, requesting our Senators and Representatives in the United States Congress to receive the bonds to be issued for the purchase of a portion of the territory of Texas, &c.; read first time.

Mr. Scott moved to suspend the rule, in order that the resolution might be read a second time; upon which the yeas and nays were called, and stood as follows:

Yeas; Messrs. Speaker, Bee, Bogart, Burney, Charlton, Cochran, Dickson, Fields, Hardeman of Nacogdoches, Hendricks, Holland, Jowers, Lloyd, Lott, McKinney, Patrick, Polk, Runnels, Russell, Scott, Selman, Shaw, Shea, Smith of Shelby, Speights, Sterne, Stewart, Taylor of Harrison, Williams and Wren—30.

Nays: Messrs. Bryan, Clements, Crump, Franklin, Holland, Owen, Reynolds, Tarrant and Winfield—10.



It requiring a vote of four fifths to suspend the rule, the motion was lost.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act to change the name of Emmet Baylor Patrick to that of Emmet Harlan Patrick; also, a bill to be entitled an act for the relief of the heirs or legal representatives of John W. R. Tildon, deceased, originating in the Senate; also, a bill to be entitled an act regulating the pay of certain volunteers who served in 1842; also, a bill to be entitled an act to authorize the Commissioner of the General Land Office to issue patents to the heirs of Simon Gillam and John Smith, deceased; also, a bill for the relief of Z. N. Morrell, originating in the House of Representatives.

Senate's bill for the relief of Mary Alexander; read first time; rule suspended, bill read second time; rule further suspended, bill read third time and passed.

On motion of Mr. Selman, the House adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

House met—roll called—quorum present.

A bill to be entitled an act for the relief of Daniel Parker, jr., with the substitute of the special committee; substitute adopted, and bill ordered to be engrossed.

Mr. Fields in the Chair.

On motion of Mr. Tarrant, the Sergeant-at-Arms was granted leave of absence for the remainder of the session.

Mr. Hendricks, chairman on the part of the House, of the committee of Conference, to whom was referred the bill regulating the election of Judges of the Supreme Court, reported, that they had agreed to the substitute of the House, and therefore, recommended its passage.

Senate's bill to be entitled an act for the relief of Martha McMillan; read first time; rule suspended, read second time; rule further suspended, read third time, and passed.

A bill to be entitled an act for the relief of John E. Linn, from the Senate; read second time and passed to a third reading.

Senate's bill to be entitled an act to establish Public Schools.



in the county of Comal; read second time, and referred to the Judiciary committee.

On motion of Mr. Tarrant, a bill to be entitled an act to incorporate the Anahuac Canalling and Railroad Company, was taken up, together with the remonstrance of T. J. Chambers against the passage of the bill; bill read second time, and ordered to be engrossed.

Mr. Tarrant moved to suspend the rule in order that the bill might be read a third time, upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bee, Bogart, Bryan, Burney, Charlton, Clements, Cochran, Fields, Franklin, Gillet, Hardeman of Nacogdoches, Hendricks, Hunt, Johnson, Lott, McKinney, Owen, Patrick, Runnels, Russell, Selman, Shea, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Tarrant, Taylor of Harrison, Wigfall, Williams and Winfield—34.

Nays—Messrs. Dickson, Holland, Lloyd, Reynolds, Scott and Wren—6.

So the rule was suspended; bill read third time and passed by a constitutional majority—yeas 34, nays 5.

On motion, a bill to be entitled an act to amend the sixth section of an act concerning slaves, with the amendment of the Senate, was taken up and amendment concurred in.

Senate's bill to be entitled an act to authorize the county court of Houston county to levy a special tax for county purposes; read second time and passed to a third reading.

Senate's bill to be entitled an act to incorporate the town of Dallas in the county of Dallas; read second time and passed to a third reading.

Senate's joint resolution for the relief of Robert Shaw, assignee of William Morrow; read third time and passed.

A bill for the relief of Alanson Ferguson; read first time.—Rule suspended; read second time. Rule further suspended, read third time and passed.

Senate's bill to be entitled an act for the relief of William A. Burns; read third time and passed.

A message was received from the Senate, informing the House that the Senate had amended the amendment of the House to the Senate's bill to repeal the third section of the act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, approved November, 1850; also, a bill to be entitled an act to authorize the county court of Travis county to levy and collect a special tax, originating in the Senate; also, a bill to be entitled an act to incorporate the Waco



Male and Female Academy, in the county of McLennan ; also, a bill for the relief of the heirs of Andrew Kent, deceased.

A bill to be entitled an act making appropriations, with the substitute of the committee on Finance, taken up and substitute adopted. Bill read second time.

Mr. Williams proposed the following amendment :

At the end of the second section, add "also, two hundred dollars, or so much thereof as may be sufficient to defray the contingent expenses of the branches of the Supreme Court at Galveston and Tyler, to be drawn by the Chief Justice of said court ;" adopted.

Mr. Scott proposed the following amendment :

"And, also, for pay of A. J. Hamilton, two hundred and fifty dollars ; John E. Cravens, one hundred and fifty dollars ; J. M. Ardrey, one hundred and fifty dollars, for services as special judges of the Supreme Court ;" adopted.

A bill for the relief of Daniel Parker, jr. ; read third time and passed.

An act for the relief of Alexander McCulloch, with the amendments of the committee on Private Land Claims, was taken up and amendments adopted.

Rule suspended, bill read third time and passed.

A bill to be entitled an act to repeal the third section of the act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, approved November, 18-50, together with the amendment of the Senate just reported, was taken up and amendment read.

On motion of Mr. Keenan, the bill and amendment were laid on the table.

Mr. Charlton, one of the committee on Engrossed Bills, made the following report, which was accepted :

COMMITTEE ROOM, December 2, 1850.

Hon. C. G. KEENAN,

*Speaker of the House of Representatives :*

The committee on Engrossed Bills have examined a bill for the relief of the heirs of Andrew Kent, deceased, and find the same correctly engrossed.

Mr. Burney, chairman of the Joint committee on Enrolled Bills, made the following report, which was accepted :

COMMITTEE ROOM, December 2, 1850.

Hon. C. G. KEENAN,

*Speaker of the House of Representatives :*

The Joint committee on Enrolled Bills have examined an act



for the relief of Stoakly D. Choate; also, an act to authorize the Executive Board of Managers of the Masonic Female Institute at Marshall, Harrison county, to confer degrees and for other purposes; also, an act authorizing the Governor to employ counsel in the Supreme Court of the State in cases where the present Attorney has been employed; also, an act to authorize the Clerk of the county court of Navarro county, and the county Clerk of Tyler county, to transcribe into a bound book, severally to be procured by them for that purpose, all the records and title papers hereinafter mentioned; also, an act for the relief of Berry Merchant; also, an act to amend an act to incorporate the city of New Baunfels; also, an act to authorize the Commissioner of the General Land Office to issue patents to the heirs of Simon Gil- lam and the heirs of John Smith; also, an act for the relief of James Chesher, Senr.; also, a joint resolution for the relief of John C. Walling, and find the same correctly enrolled, and hav- ing been signed by the Speaker of the House of Representatives and President of the Senate, were this day transmitted to His Ex- cellency the Governor of the State for his approval.

Senate's bill to repeal an act, to reserve one of the public build- ings in Austin for the Supreme Court; read second time, and passed to a third reading. Rule suspended, read third time and passed.

Mr. Tarrant introduced the following resolution:

*Resolved*, That the Chief Clerk be and he is hereby authori- zed, to employ as many additional clerks as will be sufficient to engross and enroll the bills, and to keep up the journals of the House for the present session, and that they be paid out of the contingent fund appropriated for the present extra session of the Legislature. Adopted.

A message was received from the Senate, informing the House that the Senate had passed a bill to authorize the county court of Travis county to levy and collect a special tax.

On motion of Mr. Franklin, the House adjourned until ten o'clock to-morrow morning.